



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,058	02/11/2004	Wen-Hua Ju	503023-A-01-US (Ju)	2122

47827 7590 01/31/2007
MCGRATH, GEISSLER, OLDS & RICHARDSON, PLLC
PO BOX 1364
FAIRFAX, VA 22038-1364

EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
----------	--------------

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/776,058

Applicant(s)

JU ET AL.

Examiner

Julio R. Perez

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-30 is/are allowed.
- 6) ☒ Claim(s) 1-3, 13-16 and 24-27 is/are rejected.
- 7) ☒ Claim(s) 4-12, 17-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 13, 16, 24- 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avery (2004/0038677) in view of de Verteuil (US 7,035,647).

Regarding claims 1, 3, 16, Avery discloses an apparatus comprising: a first signal monitor for measuring (Figure 1, # NIU1): the signal strength at said first signal monitor of a first packet transmitted by an emitter (Figure 1, #'s 1, M1, Par. 6, lines 1-20 discloses the interrogating station acquiring signal strength from radio units, which read on receiving signal strength transmitted by an emitter, i.e., radio units); and (ii) the signal strength at said first signal monitor of a second packet transmitted by a wireless terminal (Figure 1, TS1, Par. 6, lines 8-26, Par. 20, disclose the mobile unit,, TS1, providing signal strength and identity to the interrogating device NIU1); and a processor for: and (b) determining the location of said wireless terminal based on signal strength from the emitter, (ii), and the location of said emitter (Par. 6, lines 1-20, pars. 20-21).

With further regard to claim 16, Avery discloses a second signal monitor (NU2) for making a second plurality of signal measurements Par. 6, lines 1-20, wherein said second plurality is associated with a plurality of signal sources (M1-M3) that comprise said emitter (TS1, Par. 6, lines 8-26, Par. 20).

Art Unit: 2617

What Avery does not specifically disclose is receiving the location of said emitter. However, De Verteuil teaches providing Cell ID information to an immediate platform for location means (col. 3, lines 41-62-col. 4, lines 6-16).

It would have been obvious to one skilled in the art at the time of the invention to modify Avery, such that the emitter location is known, to provide a more accurate position of the wireless terminal.

Regarding claim 2, the combination of Avery and De Verteuil discloses the emitter for transmitting over a wireless medium said first packet wherein said first packet comprises information related to the location of said emitter (De Verteuil, col. 3, lines 41-62-col. 4, lines 6-16).

Regarding claims 13, 25, the combination of Avery and De Verteuil discloses wherein said emitter is stationary (Avery, Figure 1, M1, 10).

Regarding claim 24, the combination of Avery and De Verteuil discloses wherein an access point is collocated with said first signal monitor (Avery, Figure 1, M1-M3, TS1).

3. Claims 14, 15, 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avery in view of de Morioka et al. US 206/0112272 (hereinafter Morioka).

Regarding claims 14, 15, 26, 27, Avery discloses claim 1, but is silent on wherein information related to the location of the emitter relates to the medium access control address and coordinates of the emitter.

Morioka teaches a sending apparatus with management information for providing media access control address to a receiving device located remotely (page 8, par. 165, lines 1-7).

It would have been obvious to one skilled in the art at the time of the invention to modify Avery, such that the information related to location included MACA, to provide correct authentication and precise location of the device.

With further regard to claims 15/27, Morioka teaches information related to location indicating coordinates of the emitter (par. 165, line 7; i.e. latitude and longitude).

Allowable Subject Matter

4. Claims 4-12, 17-23, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 28-30 are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2617

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

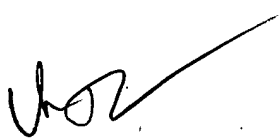
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William H. Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



1/26/07

Julio R Perez
Examiner
Art Unit 2617



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600